

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CARL WILSON,**

**Plaintiff,**

**vs.**

**T.J. COLLINS and JOE STEINHAUER,**

**Defendants.**

**Case No. 03-cv-317-DRH**

**ORDER**

**HERNDON, District Judge:**

On July 6, 2006, the Court issued an Order (Doc. 48), allowing Plaintiff twenty days to file an amended complaint, for the specific purpose of naming previously unnamed defendants.<sup>1</sup> However, the Court explained that if Plaintiff did not elect to amend within the time frame prescribed, his claims against these unnamed defendants would be dismissed with prejudice.

Plaintiff has now filed a Motion (Doc. 49) seeking an extension until August 11, 2006, to file this amended complaint. In support, Plaintiff's counsel states that he needs to verify with his client whether there remain any unnamed defendants to name in the matter. However, because Plaintiff is incarcerated, arrangements need to be made for him to meet with his counsel and, moreover, his counsel will be out of state from August 1 through August 7, 2006.

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<sup>1</sup> The Court noted that its previous Order (Doc. 6) issued on July 29, 2004, stated that "[s]ervice shall not be made on the Unknown (John Doe) Defendants until such time as Plaintiff has identified them by name on a USM-285 form and in a properly filed amended complaint. Plaintiff is ADVISED that it is Plaintiff's responsibility to provide the Court with the names and service addresses for these individuals" (Doc. 48, p. 1).

Defendants oppose this extension of time (Doc. 50), stating that Plaintiff has had over two years to comply with naming the unnamed defendants and that he should not be entitled to further additional time.

While Defendants' frustrations are noted, justice requires allowing Plaintiff this one requested extension of time. As such, Plaintiff's Motion (Doc. 49) is **GRANTED**, allowing Plaintiff until August 11, 2006, to file an amended complaint for the explicit purpose of naming any previously-unnamed defendants in this matter. The Court clarifies that this Order does not provide for Plaintiff to amend the substance of his Complaint in any other way.

**IT IS SO ORDERED.**

Signed this 27<sup>th</sup> day of July, 2006.

/s/ David RHerndon  
**United States District Judge**